Interim Guidance to States and Interstates on Use of Clean Water Act Section 106 Grant Funds for FY 07 and Out-Years

June 2006

This document provides guidance for use of grant funds provided to States and Interstate Agencies under Section 106 of the Clean Water Act (CWA). The objective of this guidance is to support States and interstates in allocating Section 106 funds among those clean water program activities that best fit the needs of States or interstates and are most likely to attain clearly defined and measurable goals for water quality improvement. In addition, this document identifies priority areas on which States should focus in order to align their activities with national goals and objectives.

The priority area for States with regard to Section 106 should be the full restoration of impaired waterbodies. Under Goal 2 (Clean and Safe Water) of its draft *Strategic Plan* for 2006 – 2011, EPA has developed a priority strategic target aimed at attaining water quality standards for impaired waterbodies (see http://www.epa.gov/ocfo/plan/06draftarch.pdf for *EPA's Draft Strategic Architecture for the 2006-2011 Strategic Plan*). In particular, by 2012, EPA hopes to attain water quality standards for all pollutants and impairments in over 2,200 waterbodies identified in 2002 as not attaining standards.[1]

EPA is emphasizing this measure because it was identified by the Office of Management and Budget (OMB) in its Program Assessment Rating Tool (PART). OMB developed the PART to assess the performance of federal programs and help inform management actions, budget requests, and legislative proposals directed at achieving results. A PART review assesses factors that affect and reflect program performance, including program purpose and design; performance measurement, evaluations and strategic planning; program management; and program results. In accordance with its work under Section 106, EPA must be able to document progress in accordance with the PART, which is now applied to most water programs.

EPA requests States and Tribes place a high priority on meeting the strategic target aimed at attaining water quality standards for impaired waterbodies by fulfilling the performance measures identified in PART. Table 1 presents the measures related to CWA Section 106 and Surface Water PART review. For a full definition for each of these measures, see the end of this guidance.

[1] This measure - identified under 'Subobjective 2.2.1: Improve Water Quality on a Watershed Basis' - also states: "Waterbodies where mercury is among multiple pollutants causing impairment may be counted toward this target when all pollutants but mercury attain standards, but must be identified as still needing restoration for mercury. (cumulative) (2002 Baseline: 37,978 waterbodies identified by states and tribes as not meeting water quality standards; 1,703 of these waterbodies impaired by multiple pollutants including mercury).

Table 1 **Performance Measures for the CWA Section 106 and Surface Water PART Review**
1. Number of the TMDLs that are established by States and approved by EPA on a schedule consistent with national policy* (cumulative)
2. Percentage of high priority state NPDES permits that are on schedule to be reissued*
3. Cost per water segment restored
4. Number, and national percent, of major dischargers in Significant Non-compliance (SNC) at any time during the fiscal year*
5. Annual percentage of waterbody segments identified by states in 2000 as not attaining standards, where water quality standards are now fully attained* (cumulative)
6. Number, and national percent, of (a) states, territories, and (b) authorized Tribes that, within the preceding 3-year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other sources not considered in the previous standards.*
Surface Water Measure 6: Percentage of water assessed using statistically-valid surveys. EPA and States will assess and identify trends for 100% of the Nation's waters by 2018 using statistically-valid surveys to evaluate the extent that waters support the fishable and swimmable goals of the Clean Water Act.

In addition to OMB's review of Section 106, Congress and the Government Accountability Office (GAO) have expressed concerns that EPA assistance agreements are not consistently results-oriented and aligned with the Agency's strategic goals and objectives. To address these concerns, EPA implemented the Environmental Results Order [EPA Order 5700.7, effective January 1, 2005; http://www.epa.gov/ogd/]. In accordance with this order, EPA programs are directed to (1) link proposed assistance agreements to the Agency's Strategic Plan/Government Performance and Results Act (GPRA) architecture; (2) ensure that outputs and outcomes are appropriately addressed in

*This measure is expected to be included in the "State Grant Performance Measures" template, now being developed by EPA in cooperation with the Office of Management and Budget. For such measures, state-specific data will need to be provided, in end-of-year reports, to EPA. More information concerning the State grant templates is available in the State Grant Template Guidance located on the EPA internet at: http://www.epa.gov/ocfopage/npmguidance/ocir/2005/supplemental_guidance_06.pdf.

assistance agreement competitive funding announcements, work plans, and performance reports;[2] and (3) consider how the results from completed assistance agreement projects contribute to the Agency's programmatic goals and objectives. To supplement this guidance, EPA will work with States to provide additional materials to help link grants to environmental results. Access to appropriate data is critical for documenting environmental results for grants as well as for documenting progress in accordance with PART requirements. Therefore, it is a priority for EPA for States to provide data to EPA data systems, such as the Integrated Compliance Information System (ICIS), the Assessment Data Base (ADB), and STORET, so that data can be integrated to determine CWA programs' impact on the environment. In particular, because water quality assessment data are critical to measuring progress towards the Agency's and States' goals and commitments to restore and improve water quality, EPA expects all states to submit integrated reports using ADB version 2.0 or a compatible electronic format in 2008. Where needed, Regions and States should make strong progress towards this goal in 2007.

EPA's current 2003-2008 *Strategic Plan* defines the improvements to the quality of the Nation's waters and protection of public health that EPA, States, and interstates are seeking to achieve by 2008 (http://www.epa.gov/ocfo/plan/plan.htm). EPA worked closely with the Environmental Council of the States (ECOS), the Association of State & Interstate Water Pollution Control Administrators (ASIWPCA), Tribes, and other organizations in developing the Strategic Plan and is committed to continuing such collaboration to implement the Plan. FY 2007 is the final annual planning year for the 2003-2008 *Strategic Plan*, and is the transition year to the upcoming 2006-2011 *Strategic Plan* (see above discussion on the priority strategic target associated with Section 106).

To accomplish the public health and environmental goals established in the *Strategic Plan*, each year the Office of Water develops the annual *National Water Program Guidance (NWP Guidance)* (available at http://www.epa.gov/water/waterplan). The *NWP Guidance* describes how EPA, States, and Tribes will work together to protect and improve the quality of the Nation's waters. While the Office of Water recognizes that Regions, States, and Tribes need to retain flexibility in determining the best allocation of resources for achieving environmental goals, from a national perspective the 2007 *NWP Guidance* identifies the following priority areas to ensure progress in achieving national goals: improve monitoring, contribute to the President's wetland goals, improve compliance with drinking water standards, restore and improve water quality on a watershed basis, and support sustainable water infrastructure.

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[2] The Order defines **outputs** as environmental activities or efforts related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative, but must be measurable during an assistance agreement funding period. An example of an output is the number of NPDES permits issued. **Outcomes** are the results that will be achieved by carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, must be quantitative, and may not necessarily be achievable within an assistance agreement funding period. An example of an outcome is the number of waterbodies meeting water quality standards.

The *NWP Guidance* includes a series of Program Activity Measures (PAMs) for a number of key program activities that most directly contribute to attaining objectives and subobjectives in the *Strategic Plan*.[3] Straw targets are also presented for each measure that serve as a point of reference for development of FY 2007 State/Tribal work plans and grant agreements. In developing Section 106 grant work plans, Regions are expected to address the priorities identified in EPA's *NWP Guidance* and the associated PAMs. The Regional/National straw targets should be used as a point of reference in working out specific State and interstate commitments. While the full array of water quality needs must be considered in the collaborative planning process, there are a few issues which may need special emphasis by States and interstates. These include:

- **Water Quality Monitoring.** Congress designated $18.5 million (pre-recission) as a separate portion of the total 106 funds to be targeted for the monitoring initiative, including enhancements to State and Interstate monitoring programs consistent with their monitoring strategies, and collaboration on statistically-valid surveys of the Nation's waters. This appropriation reflects a continuing commitment to strengthen State monitoring programs and to provide data necessary to support cost-effective water quality management decisions (including TMDLs and watershed plans designed to meet water quality standards), and to work in partnership with States to generate a national assessment of water quality conditions. EPA's long-term goal for water quality monitoring is to enhance State capacity to implement an integrated monitoring framework, which uses multiple tools to address most cost-effectively the full range of water quality management decision needs, for all water resource types and uses at appropriate scales. Together, EPA and the States will meet this goal by bringing all States to a basic program level that includes assessing all waters using sound science, strengthening state monitoring and assessment programs, and employing innovations that implement cost-effective monitoring.

  In line with Congress' FY 2006 appropriation, OW published the *Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes* in the *Federal Register* (March 29, 2006) (http://www.epa.gov/owm/cwfinance/award-monitoring-fund.htm). The guidelines specify the activities that states and interstates must carry out under the monitoring initiative. These include funding new, expanded, or enhanced monitoring activities as part of the State's implementation of comprehensive state monitoring strategies. In addition, States will collaborate on statistically-valid surveys of the nation's waters. In FY 2007, States and Tribes, working with EPA, will be collecting samples as part of the survey of the nation's lakes. EPA will also work with States to make strong progress in submitting State integrated reports using the Assessment Database version 2, or a compatible electronic format, because water quality assessment data are critical to measuring

[3] Also see: *Definitions, reporting methodologies, and contacts for selected Program Activity Measures (PAMs).* http://www.epa.gov/water/waterplan/index.html#final

progress towards the Agency's and States' goals of restoring and improving water quality.

- **Water Quality Standards**. It is EPA's objective for States to administer the water quality program consistent with the requirements of the CWA and the water quality standards regulation. EPA expects States will enhance the quality and timeliness of their water quality standards triennial reviews so that these standards reflect EPA guidance and updated scientific information. EPA will work with States to reach early agreement on triennial review priorities and schedules and coordinate at critical points to facilitate timely EPA reviews of State water quality standards submissions. States with disapproved standards provisions should work with EPA to resolve the disapprovals promptly. A high priority is for States to implement their agreed-upon work plans for developing and adopting nutrient criteria – water quality criteria to help target reductions in excess nutrients that can cause eutrophication and other problems in lakes, estuaries, rivers, and streams.

- **Impaired Waters and Total Maximum Daily Loads**. In 2007, EPA will continue to work with states, interstate agencies, and tribes to foster a watershed approach as the guiding principle of clean water programs. In watersheds where water quality standards are not attained, states will develop total maximum daily loads (TMDLs), critical tools for meeting water restoration goals. EPA encourages states to effectively assess their waters and make all necessary efforts to ensure the timely submittal of required § 303(d) lists of impaired waters. EPA will work with states to facilitate state submission of accurate, georeferenced, and comprehensive data. States should establish a schedule for developing necessary TMDLs as expeditiously as practicable. EPA policy is that TMDLs for each impairment listed on previous § 303(d) lists should be established in a time frame that is no longer than 8 to 13 years from the time the impairment is identified.

- **Permits, Enforcement and Compliance**. Regions should work with States to continue to use grant resources to implement actions identified under EPA's Permitting for Environmental Results (PER) strategy to assure effective management of the permit program and to adopt efficiencies to improve environmental results. States should place emphasis on adopting criteria to ensure that priority permits are those offering the greatest benefit to improve water quality, and should ensure that 95 percent are current. In addition, States should work to ensure that 90 percent of all NPDES permits are current. Regions should also work with States to track and implement the program enhancements identified in the FY 2004 comprehensive assessment of water programs. States are encouraged to seek opportunities to incorporate efficiency tools such as watershed permitting, trading, and linking development of water quality standards, TMDLs, and permits. States should also implement recommended actions identified under the EPA/ECOS enforcement and compliance "State Review Framework" process. States are expected to ensure data availability by fully populating the required Permit Compliance System (PCS) or Integrated

Compliance Information System (ICIS) data elements (Water Enforcement National Data Base (WENDB) or Required ICIS Data Elements (RIDE)) in PCS or ICIS, as appropriate. In its separate National Program Manager (NPM) Guidance, the Office of Enforcement and Compliance Assistance (OECA) states that it plans to continue its focus on wet weather issues, including combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), storm water, and concentrated animal feeding operations (CAFOs), as national priorities through FY 2007. The final *OECA NPM Guidance* is available with the complete Agency set at: http://www.epa.gov/ocfo/npmguidance/index.htm.

- **Source Water and Ground Water**. Regions and States are reminded that 106 grant funds are an essential funding source for the States' drinking water protection activities. The Agency recommends that States continue to direct a portion of their 106 funding to source water protection and wellhead protection actions that protect both ground water and surface water used for drinking water. States should ensure that there are protective water quality standards in place, and being attained, for each waterbody being used as a public water supply. Also, EPA encourages States to allocate a reasonable share of water quality monitoring resources to assess attainment of the public water supply use, and consider using water quality or compliance monitoring data collected by public water systems in assessing water quality and determining impairment. States should consider placing a high priority on (a) waterbodies where State or local source water assessments have identified highly threatening sources of contamination that are subject to the Clean Water Act and (b) the development and implementation of TMDLs to address impairments of the public water supply use. In particular, States should consider the relationship between point source dischargers and drinking water intakes in setting inspection and enforcement priorities.

EPA will evaluate and integrate the work and achievements of State and interstates, including an assessment of progress under PART. The Program Activity Measures that States are expected to consider in work planning are listed below.

PROGRAM ACTIVITY MEASURES (PAMs)

Related to Clean Water Act Section 106

Program Activity Measures (PAMs) are one component of the Office of Water (OW) National Water Program Guidance (http://www.epa.gov/water/waterplan). The *NWP Guidance* document identifies how the functions under OW support the accomplishment of the Agency's Strategic Plan. It includes detailed descriptions of the subobjective implementation plans which OW has developed to ensure progress in meeting the outcomes projected in the strategic plan. The PAMs are the measures OW will use to measure success and assess progress toward long-term goals, and should be considered in the context of the full *NWP Guidance*. In addition to the PART Measures discussed earlier in this guidance, the PAMs in Table 2 below are those directly related to Section 106 of the Clean Water Act. Full definitions of PART Measures are also included following the table.

Table 2
Program Activity Measures for CWA Section 106

Office of Water Priority Measures	**Office of Enforcement and Compliance Assurance Priority Measures**	**Additional Office of Water 106-Relevant Measures**
WQ-2: Number of States and Territories that have adopted EPA-approved nutrient criteria into their water quality standards, or are on schedule with a mutually agreed-upon plan to adopt nutrient criteria into their water quality standards.* (cumulative)	Inspections - *Existing GPRA Goal 5 Measure* a. Regions and States must inspect 100% of CWA majors each year in each State or the equivalent coverage of a combination of majors and minor facilities.	WQ-3: Number of States and Territories that have incorporated into their water quality programs for streams and small rivers, quantitative biological criteria that are used to help assess attainment of water quality standards. [Note: biological criteria may include quantitative endpoints or narrative criteria with quantitative implementation procedures or translators]. (cumulative)
WQ-7: Number of States and Territories that have adopted and are implementing their monitoring strategies in keeping with established schedules.*	Data Entry in PCS – *Existing GPRA Goal 5 Measure* a. Entry of permit limits at NPDES majors is at or above the 95% reporting standard (State Framework Metric 12b1). b. Entry of DMRs for NPDES majors is at or above the 95% reporting standard (State Framework Metric 12b2). c. Rate of manual override of SNC to a compliant status does not exceed 2% of majors universe (State Framework Metric 12b3). d. Number of facilities without timely action does not exceed 2% of active major universe throughout the fiscal year, based on the QNCR Guidance Manual. (State Framework Metric 6a)	

* Ibid, p.2

Table 2
Program Activity Measures for CWA Section 106

Office of Water Priority Measures	**Office of Enforcement and Compliance Assurance Priority Measures**	**Additional Office of Water 106-Relevant Measures**
WQ-11: Number of States and Territories using the Assessment Database (ADB) (or compatible electronic format) to record their assessment decisions (Integrated Report/303(d)/305(b)) and provide geo-referencing information for assessment unit locations. (cumulative)		
WQ-13: Number of TMDLs, and national percent, that are established by states or EPA on a schedule consistent with national policy.*		WQ-9: Number of national probabilistic monitoring assessments completed.
WQ-16: Number of waterbodies identified by States (in 2000 or subsequent years) as being primarily NPS-impaired that are partially or fully restored. (cumulative)		WQ-14: Number of TMDLs for impaired waterbodies which affect Tribal waters approved by EPA where the Tribe participated in the TMDL or comparable watershed restoration planning process.
WQ-18: Number, and national percent, of non-tribal NPDES permits that are considered current and number, and national percent, of tribal permits that are considered current.*		WQ-15: Estimated annual reduction in million pounds of nitrogen, phosphorus, and tons of sediment from nonpoint sources to waterbodies (Section 319 funded projects only).
WQ-19: Number, and national percent of Phase I and Phase II stormwater permits that are issued and current for: (a) industrial stormwater general permits; (b) construction stormwater general permits; and (c) MS-4 general and individual permits.*		WQ-20: Number, and national percent, of facilities covered under either an individual or general permit by type: (a) MS-4s (including co-permitees); (b) industrial stormwater; (c) construction stormwater; and (d) CAFOs.

*Ibid, p.2

Table 2
Program Activity Measures for CWA Section 106

Office of Water Priority Measures	**Office of Enforcement and Compliance Assurance Priority Measures**	**Additional Office of Water 106-Relevant Measures**
WQ-21: Number, and national percent, of (a) Significant Industrial Users (SIUs) in POTWs with Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment requirements; and, (b) Categorical Industrial Users (CIUs) in non-pretreatment POTWs that have control mechanisms in place that implement applicable pretreatment requirements.[*]		WQ-23: Number, and national percent, of all major publicly-owned treatment works (POTWs) that comply with their permitted wastewater discharge standards (i.e. POTWs that are not in significant non-compliance).
WQ-22: Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year, and of those, the number, and national percent, discharging the pollutant(s) of concern on impaired waters.[*]		WQ-27: Number of watershed-based plans supported under State Nonpoint Source Management Programs since the beginning of FY 2002 that have been substantially implemented. (cumulative)
WQ-30: Number of permits providing for trading between the discharger and other water pollution sources, and in those permits, the number of dischargers that carried out trades.[*] (cumulative)		WQ-29: Number, and national percent, of high priority *state* NPDES permits; high priority EPA *non-tribal* NPDES permits; and high priority *tribal* NPDES permits, that are issued as scheduled.[*]
WQ-33: Number of water segments known to be impaired or threatened for which States and EPA agree that initial restoration planning is complete (e.g. EPA has approved all needed TMDLs for pollutants causing impairments to the waterbody or has approved a 303(d) list that recognizes that the waterbody is covered by a Watershed Plan (Category 4b)).		WQ-31: Number of current watershed-based permit(s) issued. (cumulative)

[*] Ibid, p.2

Table 2
Program Activity Measures for CWA Section 106

Office of Water Priority Measures	**Office of Enforcement and Compliance Assurance Priority Measures**	**Additional Office of Water 106-Relevant Measures**
SDW-13: Percent of community water system intakes using source water that has been designated for a drinking water use.		FS-1: Number of States, Territories and authorized Tribes that have adopted the new fish tissue criterion for mercury.
SDW 14: Percent of community water system intakes for which the source water was assessed for the drinking water use during the most recent reporting cycle.		FS-2: Percent of river miles and lake acres where fish tissue will be assessed to support waterbody-specific or regional consumption advisories or a determination that no consumption advice is necessary. (Great Lakes measured separately; AK not included).
SDW 15: Percent of waterbody impairments identified by States in 2002, in which there is a community water system intake and the impairment cause is for either a drinking water use or a pollutant that is regulated as a drinking water contaminant, for which there is: (a) a TMDL, and (b) those waterbody impairments have been restored.		
Strategic Target F: Percent of source water areas (both surface and ground water) for community water systems that achieve minimized risk to public health. (cumulative)		SS-1: Number of States, Territories, and Tribes that have adopted current pathogen criteria for non-coastal recreational waters (i.e. waters not covered by the BEACH Act).
SS-2: Number, and national percent, of CSO permits with schedules in place in permits or other enforceable mechanisms to implement approved Long Term Control Plans (LTCPs).* (cumulative)		SS-3: Number of States that have adopted the Voluntary Management Guidelines for on-site sewage management. (cumulative)
		SS-4: Percent of all Tier I (significant) public health beaches that are monitored and managed under the Beach Act program.

* Ibid, p.2

PART Measures – Full Definitions

PART Measure 1. Annual number of the TMDLs that are established by States and approved by EPA on a schedule consistent with national policy (cumulative)

A total maximum daily load (TMDL) is a plan for reducing loadings to assure that a waterway can attain water quality standards. States must develop TMDLs for any waters they list under section 303(d) of the Clean Water Act as not attaining standards. EPA works with each state to establish a schedule for developing TMDLs as expeditiously as practicable. EPA policy is that TMDLs for every impairment listed on previous section 303(d) lists should be established in a time frame that is no longer than 8 to 13 years from the time the impairment is identified. This measure tracks whether states establish TMDLs on these approved schedules. Note that EPA must approve state-developed TMDLs. This measure is cumulative; it tracks total TMDLs established and approved from fiscal year 1996 through fiscal year 2005.

PART Measure 2. Annual percentage of high priority state NPDES permits that are on schedule to be reissued

All point-source discharges to U.S. waters must receive a permit under EPA's National Pollutant Discharge Elimination System (NPDES) program. Permits must be re-issued at least every five years to reflect the latest technology and water quality requirements. EPA recently established a Permitting for Environmental Results strategy to ensure effective management of NPDES programs. One of the key tools to ensuring environmental results is to identify the most environmentally significant permits and set priorities to reissue them when they expire. Annually, EPA and states agree on a list of such priority permits that will be issued that year. Selection criteria include impacts to TMDL-listed impaired waters, drinking water sources, endangered species, and integration of new water quality standards into permits. Combined with the long-standing GPRA goal [see WQ-19] to achieve and maintain a 90% overall permit issuance rate (with some exceptions), achieving a 95% permit issuance rate for priority permits will contribute to the EPA Surface Water Program's long-term goals of restoring and maintaining the health of water bodies and watersheds. This PART measure is equivalent to WQ-29a, *Number of high priority state NPDES permits that are issued as scheduled.*

PART Measure 3. Annual 106 Efficiency Measure

This measure captures the program's ability to implement its activities and achieve results: total number of water segments restored relative to the cost (total federal 106 funds plus state matching funds).

Total # of Water Segments Restored to Attainment
Divided By
Total Federal 106 Funds (minus tribes) + State Match (Maintenance of Effort Portion)

Denominator: Cumulative 106 appropriations (minus the tribal portion of 106) plus State contribution against maintenance of effort. This measure is cumulative; it adds total 106 appropriations + state maintenance of effort since the year 2000.

Numerator: Cumulative total # of water segments restored to attainment. In 2000, states identified some 21,632 specific waterbodies as impaired (i.e., not attaining state water quality standards) on lists required under section 303(d) of the Clean Water Act. Nationally, EPA has adopted a goal of restoring 25% of those waters identified as impaired by 2012 with an interim goal of restoring 5% of these waters (i.e., 1,082 waterbodies) by the end of fiscal year 2006. This denominator measure is calculated by comparing the baseline of state-listed waters in either 1998 or 2000 to the current list of impaired waters submitted in state 303(d) lists every two years (next lists are due in 2006). Waters that have been "de-listed" from the baseline can be counted towards meeting this water quality restoration goal. This might happen, for example, if subsequent monitoring determines that a waterbody is not impaired. This measure is cumulative; it tracks the total percentage of the 21,632 waterbodies restored since the year 2000.

PART Measure 4. Annual percentage of major permittees in SNC at any time during the fiscal year

Major National Pollutant Discharge Elimination System (NPDES) permitted facilities are designated as being in Significant Noncompliance (SNC) when reported effluent exceedances are 20% or more above permitted levels for toxic pollutants and/or 40% or more above permitted levels of conventional pollutants. The Permit Compliance System (PCS) contains additional data obtained through reports and on-site inspections that are used to determine SNC including: non-effluent limit violations such as unauthorized bypasses, unpermitted discharges, and pass-through of pollutants which cause water quality or health problems; permit schedule violations; non-submission of permittee self-reported Discharge Monitoring Reports (DMR); submission of DMRs 30 or more days late; and violation of a state or federal enforcement order. DMR data are entered into PCS by either state or EPA regional offices. PCS automatically compares the entered DMR data with the pollutant limit parameters specified in the facility NPDES permit. This automated process identifies those facilities which have emitted effluent in excess of permitted levels. For this measure, facilities are counted as SNCs under this measure if they have been reported as being in SNC for a minimum of one quarter in the fiscal year.

PART Measure 5. Annual percentage of waterbody segments identified by states in 2000 as not attaining standards, where water quality standards are now fully attained (cumulative)

In 2000, states identified some 21,632 specific waterbodies as impaired (i.e., not attaining state water quality standards) on lists required under section 303(d) of the Clean Water Act. Nationally, EPA has adopted a goal of restoring 25% of those waters identified as impaired by 2012 with an interim goal of restoring 5% of these waters (i.e., 1,082 waterbodies) by the end of fiscal year 2006. The goal of restoring 25% of impaired waters by 2012 is included in the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) Strategic Plan.

This measure is calculated by comparing the baseline of state-listed waters in either 1998 or 2002 to the current list of impaired waters submitted in state 303(d) lists every two years (next lists are due in 2006). Waters that have been "de-listed" from the baseline can be

counted towards meeting this water quality restoration goal. This might happen, for example, if subsequent monitoring determines that a waterbody is not impaired.

This measure is cumulative; it tracks the total percentage of the 21,632 waterbodies restored since the year 2000.

A more detailed description of this restoration measure is available in the Fiscal Year 2005 National Water Program Guidance at http://www.epa.gov/water/waterplan. EPA allowed states to skip submitting a 303(d) list in 2000, so only a few states chose to submit them for EPA approval.

Because water quality assessment data for this measure is critical to measuring progress towards strategic objectives, EPA expects all States to submit integrated reports using the Assessment Database version 2.0 or a compatible electronic format in 2008. Where needed, Regions and States should make strong progress towards this goal in 2007.

EPA is proposing to revise this measure in the FY 2006 - 2011 Strategic Plan to use a new baseline and revised 2012 targets (see p. 1 above). If this change is adopted in the final Plan, EPA will likely phase-in this new revised measure in the FY 2008 reporting cycle.

PART Measure 6. Number and annual percent of States and Territories that, within the preceding 3-year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other sources not considered in the previous standard.

This measure indicates the progress of states and territories in adopting or revising their water quality criteria to reflect the latest scientific information. States and tribes should maintain up-to-date water quality standards that consider the latest recommended water quality criteria from EPA or similar information from other sources. This includes criteria for pollutants that did not have criteria before, as well as updates to reflect new toxicity studies or exposure factors. (States and territories must review their water quality standards at least once every three years).

"Acceptable to EPA" means that EPA has approved the new or revised criteria for that State, Territory, or Tribe. "Preceding three-year period" means the three-year period ending April 30 of the reporting year, to allow at least five months for EPA approval. New scientific information from EPA includes, but is not limited to, draft or final water quality criteria documents and updated information posted at http://www.epa.gov/waterscience/criteria/. It could also include revised criteria implementation guidance, and scientific information provided by EPA Regions or other EPA Offices to assist State, Territorial, or Tribal adoption of statewide or local criteria.

Surface Water PART Measure 6: Percentage of water assessed using statistically-valid surveys. EPA and States will assess and identify trends for 100% of the Nation's waters by 2018 using statistically-valid surveys to evaluate the extent that waters support the fishable and swimmable goals of the Clean Water Act.

Percentage of waters assessed. FY 00 baseline is 31% averaging across water body types. In 2004, this increased to 38% because the national coastal condition report assessed 100% of coastal waters using a statistically-valid probability design. The FY06 target is 54% with completion of the first wadeable streams assessment. These percentages are calculated in the following manner: the five categories of water body types (coastal waters, streams, lakes, rivers, and wetlands) were each assigned 20% of the total waters of the U.S. The amount assessed for each type is then averaged across all types to produce a baseline and track progress toward the goal of 100% assessed for each water body type using statistically-valid probability survey designs. The baseline was developed from the 2000 National Water Quality Inventory.

The target represents EPA and State's progress toward 100% assessment of each water body type. EPA and states will reach this goal through collaboration on statistically-valid probability surveys. EPA and states are nearing completion of a statistically-valid assessment of streams in FY 2006. Lakes will be the next water body type surveyed, with sampling occurring in FY 2007 and a report due in FY 2009.